

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10482 of 2002

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

NARMADA CEMENT LOADING & UNLOADING WORKERS

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 10482 of 2002
MR MK VAKHARIA for Petitioner No. 1
Mr.K.P.Raval, AGP for Respondent No. 1
RULE SERVED for Respondent No. 1,3-4-2
NANAVATI ASSOCIATES for Respondent No. 2
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CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 26/07/2004

ORAL JUDGEMENT

#. Heard Mr.K.G.Vakharia, learned senior counsel with Mr.M.K.Vakharia and Mr.K.S.Nanavati, learned senior counsel with Mr.Prabhav Mehta for respondent no.2.

#. The matter was kept for further arguments today. However, pursis has been filed by the respondent-company whereby the respondent-company has requested without prejudice to its rights and contentions that the matter may be remanded to the Industrial Tribunal and the Industrial Tribunal may be directed to decide all the issues including the maintainability of the demands/reference against the respondent-company and the order under challenge be accordingly quashed and set aside.

#. In that view of the matter, the order passed by the Industrial Tribunal, Surat below application exh.26 in Reference (IT) No.43 of 2000 dated 20.08.2002 is quashed and set aside. The Industrial Tribunal is directed to decide exh.26 within three months from the date of receipt of the writ of this order, without being influenced by the order passed by this Court.

#. Subject to what is stated above, this petition is allowed. Rule is made absolute to the aforesaid extent with no order as to cost.

(K.S.Jhaveri, J)
(pathan)